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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,536	03/07/2002	Raluca Lorant	5725.0607-01	1316

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EXAMINER
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WEBB, GREGORY E

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 10/01/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/091,536

Applicant(s)

LORANT, RALUCA

Examiner

Gregory E. Webb

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 31-41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-41 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 31-41, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Lohrmann et al (US 5,536,489). Lohrmann teaches emulsion for ultrasonic imaging. Lohrmann teaches these compositions to contain various gas-forming chemicals including various volatile fluoro compounds (see table 1). In example 3 Lohrmann teaches a composition containing 10 ml pure water, 2.8 g non-volatile fatty compounds and 1.5 g of the volatile fluoro compound.

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3. Concerning claim 35, Lohrmann teaches the addition of stabilizers including surfactants. In example 4, Lohrmann uses approximately 5% surfactant.
4. Concerning claim 38, Lohrmann teaches the addition of viscosifiers in amounts ranging from 5-15% of the composition (see col. 5, lines 40-49).
5. Concerning claim 43, as the compositions of Lohrmann intend for the volatile fluoro compound to volatilize such compositions would separate into two separate fluid phases and would thus meet the limitations of claim 43.
6. Claims 31-41, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Morita et al (US 6,444,213).
7. Morita teaches a sunscreen emulsion in table 4 containing 10% volatile fluorine oils, fatty substances (glycering, and octyl methoxycinnamate), surfactants (ethanol), and 33% water.
8. Claims 31-41, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bara (US 6,399,080).
9. Bara teaches stable O/W and W/O emulsions containing 4-97% water and 0.5-10% of an emulsifier/surfactant (see col. 6, lines 46-59).
10. Bara teaches various fluorinate oils in amounts ranging from 20-95% of the composition and the addition of various fatty substances including fatty esters (see col. 4, lines 1-40).
11. Claims 31-41, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bara (US 6,251,375).
12. Bara teaches stable emulsions containing 0.1-50% of a fatty phase and an aqueous phase of 4-97% of the composition with at least 1-10% of an emulsifier/surfactant (see col. 6, lines 21-42).

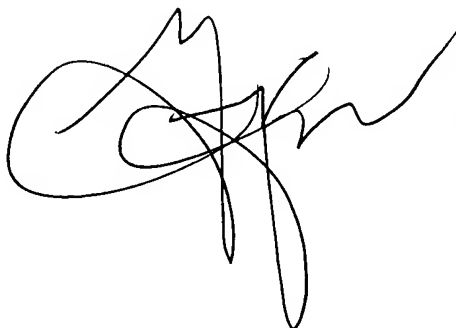
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13. Bara teaches the addition of various fatty substances including fatty esters and volatile fluorinated oils including perfluoromorpholines, perfluorocycloalkyls, and dodecafluoropentane (see cols. 2-4).
14. Claims 31-41, and 43 are rejected under 35 U.S.C. 102(e) as being anticipated by Bara (US 6,224,851).
15. Bara teaches various O/W and W/O emulsions containing 0.1-50% of a fatty phase, 4-97% of an aqueous phase, and 1-10% of an emulsifier/surfactant (see col. 6, lines 1-33).
16. Bara further teaches the addition of various volatile fluorinated oils and fatty substances (see cols. 2-4).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory E. Webb whose telephone number is 703-305-4945. The examiner can normally be reached on 9:00-17:30 (m-f).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on 703-308-4708. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.



Gregory E. Webb  
Primary Examiner  
Art Unit 1751

gw